

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AUSTIN EDWARD LIGHTFEATHER,

Plaintiff,

vs.

8:21CV208

ORDER

TONY GREEN, D.H.H.S. of Developmental Disabilities Director for Nebraska; COURTNEY MILLER, D.H.H.S. of Developmental Disabilities Deputy Director; TAYLOR DARO, D.H.H.S. Agency for Developmental Disabilities Extended Families of Nebraska; JEVON WOODS, D.H.H.S. Agency for Developmental Disabilities Magis; SETH JACKSON, D.H.H.S. Agency for Developmental Disabilities Habops Rehabilitation; MELISSA BLAKEMORE, D.H.H.S. Agency for Developmental Disabilities Austim Center of Nebraska; CRYSTOL HOLSTON, D.H.H.S. Agency for Developmental Disabilities Austim Center of Nebraska; BRIAN JACKSON, Chief of Police; LAUREN GAYLORD BAIRED, Lincoln City Mayor; ONE UNKNOWN SPECIAL VICTIMS UNIT INVESTIGATOR, TWO STATE OF NEBRASKA COMPLIANCE INVESTIGATORS FOR DISABILITY SERVICES OF D.H.H.S., ARMSTRONG, Lincoln Police Sgt. Investigator; BRENDA MAE STINSON, Appointed Legal Guardian; KIM DUMASS, D.H.H.S. Agency for Developmental Disabilities Mosaic; LINCOLN CITY LIBRARY, Bennit

Martin Downtown Branch; TWO
UNKNOWN LINCOLN CITY
LIBRARY EMPLOYEES, ONE
LINCOLN CITY LIBRARY
DIRECTOR, JULIE, Late Name
Unknown of D.H.H.S. Agency for
Developmental Disabilities Extended
Families of Nebraska; JODIE, of
Extended Families of Nebraska; LONI, of
Extended Families of Nebraska; and LIZ,
Last Name Unknown of D.H.H.S. Agency
for Developmental Disabilities Extended
Families of Nebraska;

Defendants.

This matter is before the court on Plaintiff's "Leave to In Forma Pauperis/Wish to Request Proceed Leave to In Forma Pauperis/Pro Se Prisoner Indigent Civil Action Claim," which he included with his Complaint and was docketed as a motion for leave to proceed in forma pauperis. (Filing 2.) However, Plaintiff's motion does not comply with the terms of 28 U.S.C. § 1915, the statute authorizing proceedings in forma pauperis. See 28 U.S.C. § 1915(a)(1) (requiring the plaintiff to submit "an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor"). Plaintiff has the choice of either submitting the \$402.00 filing and administrative fees to the clerk's office or submitting a request to proceed in forma pauperis that complies with 28 U.S.C. § 1915.1 Failure to take either action within 30 days will result in the court dismissing this case without further notice to Plaintiff.

IT IS THEREFORE ORDERED that:

1. Plaintiff's "Leave to In Forma Pauperis/Wish to Request Proceed Leave to In Forma Pauperis/Pro Se Prisoner Indigent Civil Action Claim," construed as a request to proceed in forma pauperis (Filing 2), is denied without prejudice to reassertion in a motion to proceed in forma pauperis that complies with 28 U.S.C. § 1915.

2. Plaintiff is directed to submit the \$402.00 fees to the clerk's office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.

3. The clerk of the court is directed to send to Plaintiff the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").

4. The clerk of the court is directed to set a pro se case management deadline in this matter with the following text: July 9, 2021: Check for MIFP or payment.

Dated this 9th day of June, 2021.

BY THE COURT:

Richard G. Kopf
Richard G. Kopf
Senior United States District Judge